

REMARKS

Re-examination and allowance of the present application is respectfully requested.

In the Final Office Action, claim 25 stands rejected under 35 U.S.C. §101 as being directed to non-statutory subject matter. Applicant disagrees with the Examiner's assertion that claim 25 is non-statutory. However, in order to quickly advance the prosecution of the present application, Applicant cancels, without prejudice, claim 25 from the instant application. Accordingly, Applicant submits that the ground for the 35 U.S.C. §101 rejection no longer exists, and respectfully requests that it be withdrawn.

Claims 9-13 and 24 are rejected in the Final Office Action as being unpatentable over International Publication No. WO 92/22983 to BROWNE et al. and U.S. Patent Application Publication No. 2002/0069218 to SULL et al. Applicant notes that SULL et al. is newly cited in the final Office Action. In setting forth this rejection, the Examiner asserts that paragraphs [0252] – [0261], [0263], [0282], [0285], [0287] and [0301] – [0303] of SULL et al. discloses that a controller receives data related to a data broadcasting, causes a storage to store the received data related to the data broadcasting and causes a reproducer to start a reproduction of the data broadcasting, and transmits the data related to the data broadcasting that is updated in the storage to set at least one appliance when the reproduction of the data broadcasting by the reproducer is over. Applicant respectfully traverses this assertion.

SULL et al. is directed to tagging, indexing, searching, retrieving, manipulating and editing video images on a wide area network, such as the Internet. The portions of SULL et al. cited by the Examiner fail to disclose or even suggest Applicant's claimed feature of a controller that causes a reproducer to start a reproduction of a data broadcasting, and transmit data related to the data broadcasting that is updated in a storage to set at least one appliance when reproduction of the data broadcasting by the reproducer is over.

In this regard, it appears that the Examiner regards SULL et al.'s "bookmark data" or "metadata" as being equivalent to Applicant's "data related to the data broadcasting" or "the updated data related to the data broadcasting" recited in Applicant's claims 9 and 24. However, Applicant submits that SULL et al.'s "bookmark data" or "metadata" is not data that is used when the data broadcasting is received or the data that is generated and updated when the data broadcasting is received, as described at, for example, page 29, lines 23-25 of Applicant's filed specification. Thus, Applicant submits that the teaching of SULL et al. differs from the currently claimed invention.

Accordingly, Applicant submits that if one attempted to combine the teachings of BROWNE et al. and SULL et al. in the manner set forth in the final Office Action, one would fail to arrive at the invention defined by independent claims 9 and 24, as such combination would fail to include a controller that transmits a request to reproduce data related to a data broadcasting to at least one appliance set using a setter in response to an instruction to reproduce the data broadcasting by an instructor, receives the data related to the data broadcasting, causes a storage to store the received data related to the data broadcasting and causes a reproducer to start a reproduction of the data broadcasting, and transmits the data related to the data broadcasting that is updated in the storage to the set at least one appliance when the reproduction of the data broadcasting by the reproducer is over. Accordingly, Applicant submits that claims 9-13 and 24 are not obvious over the prior art combination set forth in the final Office Action, and respectfully requests that this ground of rejection be withdrawn, and that claims 9-13 and 24 be indicated to be allowable.

Claims 14, 16-20 and 25 stand rejected under 35 U.S.C. §103(a) as being unpatentable over BROWNE et al and U.S. Patent Application 2003/0154485 to JOHNSON et al., and European Patent Application EP 0584991 to NITTA et al. Applicant disagrees with the rejection set forth in the final Office Action, but herewith cancels claims 14, 16-20 and 25, so as to quickly advance the present

application to issue. Accordingly, Applicant submits that the ground for the rejection of these claims no longer exist, and respectfully requests that this rejection be withdrawn.

Pursuant to M.P.E.P. §714.13, Applicant contends that entry of the present amendment is appropriate because the claims avoid the rejections set forth in the final Office Action, resulting in the application being placed in condition for allowance;, or alternatively, the cancellation of certain claims place the application in better condition for purposes of appeal. Further, the claims do not present any new issues that would require any further consideration or search by the Examiner, and the no additional claims are presented in the response. Accordingly, entry of the present amendment is respectfully requested.

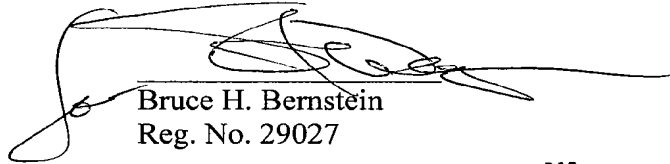
SUMMARY AND CONCLUSION

In view of the fact that none of the art of record, whether considered alone or in combination, discloses or suggests the present invention as now defined by the pending claims, and in further view of the above amendments and remarks, reconsideration of the Examiner's action and allowance of the present application are respectfully requested and are believed to be appropriate.

Should an extension of time be necessary to maintain the pendency of this application, including any extensions of time required to place the application in condition for allowance by an Examiner's Amendment, the Commissioner is hereby authorized to charge any additional fee to Deposit Account No. 19-0089.

If there should be any questions concerning this application, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully Submitted,
Tatsuaki MITSUMATA

A handwritten signature in black ink, appearing to read "Bruce H. Bernstein", is written over a horizontal line.

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